

EXHIBIT 1

CLOSED, MAG

**U.S. District Court
Western District of Pennsylvania (Pittsburgh)
CIVIL DOCKET FOR CASE #: 2:04-cv-00282-DWA-ARH**

CLAY v. BENNING, et al Assigned to: Chief Judge Donetta W. Ambrose Referred to: Mag. Judge Amy Reynolds Hay Demand: \$0 Case in other court: (05-03013) Cause: 28:2254 Petition for Writ of Habeas Corpus (State)	Date Filed: 02/26/2004 Date Terminated: 10/07/2004 Jury Demand: None Nature of Suit: 530 Habeas Corpus (General) Jurisdiction: Federal Question
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Petitioner

CASSIUS M. CLAY, SR.

represented by **CASSIUS M. CLAY, SR.**
 DQ-5954
 SCI Forest
 Post Office Box 945
 Marienville, PA 16239-0945
 PRO SE

V.

Respondent

LAWERENCE P. BENNING

represented by **Margaret K. Barker**
 Office of the District Attorney
 401 Allegheny County Courthouse
 Pittsburgh, PA 15219
 (412) 350-4377
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Respondent

**THE DISTRICT ATTORNEY OF
THE COUNTY OF ALLEGHENY**

represented by **Margaret K. Barker**
 (See above for address)

Respondent

**THE ATTORNEY GENERAL OF
THE STATE OF PENNSYLVANIA**

represented by **Margaret K. Barker**
 (See above for address)

Date Filed	#	Docket Text
02/26/2004	1	MOTION by CASSIUS M. CLAY SR. to Proceed in Forma Pauperis . (jsp) (Entered: 02/26/2004)

02/26/2004		PETITION for Writ of Habeas Corpus received from CASSIUS M. CLAY, SR. (jsp) (Entered: 02/26/2004)
02/26/2004		MOTION for Evidentiary Hearing received from CASSIUS M. CLAY, SR. (jsp) (Entered: 02/26/2004)
02/26/2004		MOTION for Appointment of Counsel received from CASSIUS M. CLAY, SR. (jsp) (Entered: 02/26/2004)
02/26/2004		CASE REFERRED to Mag. Judge Amy R. Hay (jsp) (Entered: 02/26/2004)
03/02/2004	2	ORDER dated 3/2/04 directing that the inmate account officer at SCI Greensburg shall on or before 3/15/04 submit for the preceding 6 months a certified copy of the institutional account statement of the Petitioner. (signed by Mag. Judge Amy R. Hay on 3/2/04) CM all parties of record. (aen) (Entered: 03/02/2004)
03/26/2004	3	MOTION by CASSIUS M. CLAY SR. for Evidentiary Hearing with Proposed Order. (aen) (Entered: 03/26/2004)
03/26/2004	4	ORDER denying [3-1] motion for Evidentiary Hearing (signed by Mag. Judge Amy R. Hay on 3/25/04) CM all parties of record. (aen) (Entered: 03/26/2004)
03/26/2004	5	MOTION by CASSIUS M. CLAY SR. for Appointment of Counsel with Proposed Order. (aen) (Entered: 03/26/2004)
03/26/2004	6	ORDER denying [5-1] motion for Appointment of Counsel (signed by Mag. Judge Amy R. Hay on 3/25/04) CM all parties of record. (aen) (Entered: 03/26/2004)
03/26/2004	7	PETITIONER'S Institutional Account Statement (aen) (Entered: 03/26/2004)
03/26/2004	8	ORDER denying [1-1] motion to Proceed in Forma Pauperis and the Petitioner is Allowed until 4/15/04 to submit the \$ 5.00 filing fee. (signed by Mag. Judge Amy R. Hay on 3/25/04) CM all parties of record. (aen) (Entered: 03/26/2004)
04/20/2004	9	PETITION for writ of habeas corpus. FILING FEE \$ 5.00 RECEIPT # 04003789 (jsp) (Entered: 04/20/2004)
05/04/2004	10	ORDER directing that the US Marshal shall make Service of this order with a copy of the Petition upon the respondent, the District Atty. of Allegheny County, and the Atty. General of the Commonwealth of Pa. and Costs to be Borne by the United States. (signed by Mag. Judge Amy R. Hay on 5/4/04) CM all parties of record. (aen) (Entered: 05/05/2004)
05/04/2004		SIX copies of the above order issued to the US Marshal with 3 copies of the petition with 3 copies of the Motion for Evidentiary Hearing, for Service. (aen) (Entered: 05/05/2004)
05/14/2004	11	RETURN OF SERVICE by cert. mail executed as to LAWRENCE P. BENNING, DISTRICT ATTORNEY OF, ATTORNEY GENERAL OF

		5/7/04 Answer due on 5/27/04 for LAWERENCE P. BENNING, for DISTRICT ATTORNEY OF, for ATTORNEY GENERAL OF (ces) (Entered: 05/17/2004)
05/26/2004	12	NOTICE of Attorney Appearance for LAWERENCE P. BENNING, DISTRICT ATTORNEY OF, ATTORNEY GENERAL OF by Margaret K. Barker (aen) (Entered: 05/26/2004)
05/26/2004	13	ANSWER to Writ of Habeas Corpus by LAWERENCE P. BENNING, DISTRICT ATTORNEY OF, ATTORNEY GENERAL OF (aen) (Entered: 05/26/2004)
06/04/2004		STATE COURT RECORDS received from Court of Common Pleas of Allegheny County Case No. CC 199613852, 199613853, 199613251, 199708098, T-98-850, T-98-750 (aen) (Entered: 06/04/2004)
06/10/2004	14	MOTION by CASSIUS M. CLAY SR. to Extend Time to File Traverse/Reply to Respondents' Answer . (jsp) (Entered: 06/10/2004)
06/10/2004	15	MOTION with Brief in Support by CASSIUS M. CLAY SR. to Amend [9-1] petition (jsp) (Entered: 06/10/2004)
06/10/2004	16	MOTION with Brief in Support by CASSIUS M. CLAY SR. for Evidentiary Hearing (jsp) (Entered: 06/10/2004)
06/10/2004	17	MOTION with Brief in Support by CASSIUS M. CLAY SR. for Appointment of Counsel (jsp) (Entered: 06/10/2004)
06/17/2004	18	ORDER denying without prejudice [17-1] motion for Appointment of Counsel (signed by Mag. Judge Amy R. Hay on 6/16/04) CM all parties of record. (lck) (Entered: 06/17/2004)
06/25/2004	19	ORDER granting [14-1] motion to Extend Time to File Traverse/Reply to Respondents' Answer on or before 7/2/204 (signed by Mag. Judge Amy R. Hay on 6/22/04) CM all parties of record. (aen) (Entered: 06/25/2004)
07/27/2004	20	TRAVERSE in Reply by CASSIUS M. CLAY SR. to [13-1] answer writ by ATTORNEY GENERAL OF, DISTRICT ATTORNEY OF, LAWERENCE P. BENNING (jsp) (Entered: 07/27/2004)
09/01/2004	21	REPORT AND RECOMMENDATION of Mag. Judge Amy R. Hay signed on 8/31/04 Recommending that the Petition be Denied as untimely and a certificate of appealability be Denied ; The parties have 10 days from the date of service to file objections to this Report and Recommendation. (aen) (Entered: 09/01/2004)
10/07/2004	22	ORDER, directing that the Petition is Denied and that a Certificate of Appealability ia Denied adopting [21-1] report and recommendations (signed by Chief Judge Donetta W. Ambrose on 10/7/04) CM all parties of record. (aen) (Entered: 10/07/2004)
10/07/2004		Case closed (aen) (Entered: 10/07/2004)
10/21/2004	23	MOTION by CASSIUS M. CLAY SR. for Reconsideration of [22-1] order adopting [21-1] report and recommendations . (jsp) (Entered: 10/21/2004)

		10/21/2004)
10/25/2004	24	ORDER denying [23-1] motion for Reconsideration of [22-1] order adopting [21-1] report and recommendations and the Order dated 10/7/04 is to remain in full force and effect. (signed by Chief Judge Donetta W. Ambrose on 10/25/04) CM all parties of record. (ksa) (Entered: 10/26/2004)
11/10/2004	25	MOTION by CASSIUS M. CLAY SR. to Extend Time for Filing Notice of Appeal . (jsp) (Entered: 11/10/2004)
11/15/2004		ORDER upon motion granting [25-1] motion to Extend Time for Filing Notice of Appeal (signed by Chief Judge Donetta W. Ambrose on 11/12/04) CM all parties of record. (aen) (Entered: 11/15/2004)
12/02/2004	26	NOTICE of change of address to SCI Forest by CASSIUS M. CLAY SR. (jsp) (Entered: 12/02/2004)
03/14/2005		STATE court Records Returned to the Court of Common Pleas of Allegheny County, Criminal Div. (aen) (Entered: 03/14/2005)
03/17/2005		RECEIPT received from the Court of Common Pleas of Allegheny County for the State Court records. (aen) (Entered: 03/17/2005)
04/27/2005	27	MOTION by CASSIUS M. CLAY SR. to Reopen the Time to Appeal the Habeas Corpus Denial . (jsp) (Entered: 04/27/2005)
05/02/2005		ORDER upon motion granting [27-1] motion to Reopen the Time to Appeal the Habeas Corpus Denial and a Notice of Appeal must be filed no later than May 16 2005. (signed by Chief Judge Donetta W. Ambrose on 4/29/05) CM all parties of record. (aen) (Entered: 05/02/2005)
06/06/2005	28	NOTICE OF APPEAL by CASSIUS M. CLAY SR. from [22-1] order adopting [21-1] report and recommendations dated 10/7/05 (lck) (Entered: 06/08/2005)
06/06/2005		Certified and transmitted Record on Appeal to U.S. Court of Appeals: [28-1] appeal by CASSIUS M. CLAY SR. (State Court records returned to Court of Common Pleas) (lck) (Entered: 06/08/2005)
06/06/2005		Certified copy of Notice of Appeal [28-1] appeal by CASSIUS M. CLAY SR. , certified copy of docket, certified copy of order dated 10/7/04 and Report and Recommendation dated 8/31/04 mailed to USCA; copy of Notice of Appeal and information sheet to LAWERENCE P. BENNING, DISTRICT ATTORNEY OF, ATTORNEY GENERAL OF PA and judge. Copy of information sheet to appellant. (lck) (Entered: 06/08/2005)
06/22/2005		NOTICE of Docketing ROA from USCA Re: [28-1] appeal by CASSIUS M. CLAY SR. USCA Number: (05-3013) (aen) (Entered: 06/22/2005)
06/23/2005		RECEIPT from USCA. for the Original Record. (aen) (Entered: 06/23/2005)
10/24/2005	29	ORDER of USCA as to 28 Notice of Appeal filed by CASSIUS M.

CLAY, SR. The Appeal is dismissed as untimely. The motion for Appointment of Counsel is denied. (ll3) Modified on 7/3/2007. (tt) (Entered: 10/24/2005)

10/27/2005

Appeal Record Returned from USCA (Docket Entries 1-28) re 28 Notice of Appeal. (sjs) (Entered: 10/28/2005)

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